

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EDNY Form July 11, 2008

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IN THE MATTER OF AN
APPLICATION OF THE UNITED
STATES OF AMERICA FOR AN
ORDER AUTHORIZING THE
INTERCEPTION OF WIRE
COMMUNICATIONS TO AND FROM
MOBILE TELEPHONE NUMBER (917)
559-1800, WITH ESN
268435457600516523, SERVICED
BY SPRINT PCS, SUBSCRIBED TO
IN THE NAME OF MELISSA
NEUMAN, 1181 44TH STREET,
BROOKLYN, NEW YORK 11219 AND
FOR PROSPECTIVE CELL-SITE
INFORMATION

AMENDED APPLICATION FOR
INTERCEPTION OF WIRE
COMMUNICATIONS

Misc. No. 10-0007

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EASTERN DISTRICT OF NEW YORK, SS:

CHARLES S. KLEINBERG, Assistant United States Attorney,
Eastern District of New York, being duly sworn, states:

1. I am an investigative or law enforcement officer of
the United States within the meaning of Section 2510(7) of Title
18, United States Code, that is, an attorney authorized by law to
prosecute or participate in the prosecution of offenses enumerated
in Section 2516 of Title 18, United States Code.

2. This application amends the Application I swore to
before the Court in this matter on January 11, 2010 (the "Original
Application"). The Original Application is hereby incorporated
herein. Pursuant to the Original Application and the Affidavit of
Maria Albright sworn to before the Court on January 11, 2010, the
Court issued two orders, to wit: (1) an Order dated January 11,
2010 authorizing the interception of wire communications in this

matter (the "Original Order"); and (2) an Order dated January 11, 2010 directing Sprint PCS and other service providers to, among other things, provide technical assistance in the interception of the wire communications authorized by the Original Order (the "Original Provider Order").

3. No wire communications have yet been intercepted pursuant to the Original Order. The computer in the facility where the interceptions of the wire communications were scheduled to take place malfunctioned, making it impossible to intercept wire communications pursuant to the Original Order until the computer was repaired and software was reinstalled. No interceptions will take place before January 19, 2010.

4. There is an error in the Original Order. In the final paragraph of the Original Order it is ordered that all papers filed in this matter shall be sealed, except that copies of these papers, as necessary to effectuate the Court's Orders, may be served on, among others, "the Drug Enforcement Administration" ("DEA"). However, the DEA has played no part in this investigation and it is not contemplated that it will. Moreover, the Investigating Agencies, which do not themselves have facilities in this area that are adequate to intercept wire communications consistent with the Original Order, will be utilizing an Immigration and Customs Enforcement ("ICE") facility to conduct the interceptions, with the assistance of ICE personnel.

WHEREFORE IT IS REQUESTED THAT the Court issue Orders amending the Original Order and the Original Provider Order which delete any reference to the DEA and which direct that ICE be deemed one of the Investigating Agencies that is subject to the same authorizations, limitations and restrictions as are the other Investigating Agencies..

DATED: Brooklyn, New York
January 2010

CHARLES S. KLEINBERG
Assistant United States Attorney

SUBSCRIBED and SWORN to before me
on

HONORABLE SANDRA L. TOWNES
UNITED STATES DISTRICT COURT JUDGE
EASTERN DISTRICT OF NEW YORK